

REMARKS**I. Summary of Office Action**

Claims 1, 4-14, and 16-25 were pending in the application.

Claims 1, 4, 7-14, and 18-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ogasawara U.S. Patent No. 6,512,919 (hereinafter, "Ogasawara") in view of Lev et al. U.S. Patent Application No. 2002/0102966 A1 (hereinafter, "Lev")

Claims 5 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ogasawara in view of Lev and Chui U.S. Patent Application No. 2002/0084330.

Claims 6 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ogasawara in view of Lev, Chui, and Brandt et al. U.S. Patent No. 6,585,157 (hereinafter, "Brandt").

Claims 1 and 4-24 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-4, 7-15, and 17-25 of co-pending Patent Application No. 10/796,153.

II. Summary of Applicants' Reply

Claims 1, 4-14, and 16-25 have been amended to more particularly define the claimed invention.

New claims 26-31 have been added.

The Examiner's rejection of claims 1, 4-14, and 16-25 is respectfully traversed.

Reconsideration of this application is respectfully requested.

III. The Provisional Rejection Under the Judicially Created Doctrine of Obviousness-type Double Patenting

Patent Application No. 10/796,153 has gone abandoned. Therefore, Applicants respectfully request that the provisional rejection of claims 1 and 4-24 be withdrawn by the Examiner.

IV. The Rejection of Independent Claims 1 and 14 Under 35 U.S.C. § 103(a)

The Examiner rejected independent claims 1 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Ogasawara in view of Lev. Claims 1 and 14 have been amended to more

particularly define the claimed invention. Support for the amendments to claims 1 and 14 can be found, for example, in the application from page 27, line 17 to page 30, line 18.

Applicant's independent claims 1 and 14 relate to a method and system of decoding a barcode. The method of amended claim 1 includes:

- (a) imaging a barcode with a mobile device equipped with a digital camera;
- (b) converting said barcode image to an array of pixels;
- (c) dividing said array of pixels into vertical sections;
- (d) determining a first intensity for at least one pixel in each of said vertical sections;
- (e) assigning a second intensity to said at least one pixel if said first intensity is at least one of below a first threshold intensity and above a second threshold intensity to enhance said barcode image;
- (f) decoding said enhanced barcode image to obtain barcode information;
- (g) transmitting at least one of said barcode image and said barcode information from said mobile device to a server via a wireless network; and
- (h) receiving media content associated with said barcode information from said server via said wireless network.

Ogasawara describes a system that facilitates purchase transactions via a wireless videophone. Lev describes an object identification method for wireless portable devices. However, Applicant's submit that neither Ogasawara nor Lev disclose a system and method for decoding a bar code image that at least, for example, "converts [a] barcode image to an array of pixels," "divides said array of pixels into vertical sections," "determines a first intensity for at least one pixel in each of said vertical sections," "assigns a second intensity to said at least one pixel if said first intensity is at least one of below a first threshold intensity and above a second threshold intensity to enhance said barcode image," and "decodes said enhanced barcode image to obtain barcode information" as recited by claims 1 and 14.

Accordingly, Applicants respectfully submit that claims 1 and 14 are allowable and respectfully request that the rejections of claims 1 and 14 be withdrawn.

V. The Rejection of Dependent Claims 4-13, and 16-25 Under 35 U.S.C. § 103(a)

Claims 4-13, and 16-25 have been amended to more particularly define the claimed invention. Claim 23 has been amended to correct a typographical error. The change of "MMS"

to “SMS” makes claim 23, which depends from claim 14, correspond to claim 12, which depends from claim 1. Applicants respectfully submit that claims 4-13, and 16-25, each of which depends from one of independent claims 1 and 14, are allowable for at least the same reasons that the independent claims are patentable as set forth above. Therefore, applicants respectfully request that the Examiner withdraw the rejections of claims 4-13, and 16-25.

VI. New Claims 26 - 31

New claims 26-31 have been added to the application. No new matter has been added by the addition of these claims. As with claims 1 and 14, support for independent claims 26 and 29 may be found, for example, in the application from page 27, line 17 to page 30, line 18.

Neither Ogasawara nor Lev shows or suggests all of the elements of claims 26-31. Specifically, claims 26 and 29 are allowable for at least the same reasons as claims 1 and 14. Claims 27, 28, 30, and 31 each depend from one of claims 26 and 29 and are therefore allowable for at least the same reasons as claims 26 and 29. Accordingly, Applicants respectfully submit that claims 26-31 are in condition for allowance.

VII. Conclusion

Applicants respectfully submit that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. Applicants do not concede that the cited prior art shows any of the elements recited in the claims. However, applicants have provided specific examples of elements in the claims that are clearly not present in the cited prior art.

Applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples applicants have described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, applicants assert that it is the combination of elements recited in each of the claims, when each claim is interpreted as a whole, which is patentable. Applicants have emphasized certain features in the claims as clearly not present in the cited references, as discussed above. However, applicants do not concede that other features in the claims are found in the prior art. Rather, for the sake of simplicity, applicants have provided examples of why the claims described above are distinguishable over the cited prior art.

Further, applicants hereby retract any arguments and/or statements made during prosecution that were rejected by the Examiner during prosecution and/or that were unnecessary to obtain allowance, and only maintain the arguments that persuaded the Examiner with respect to the allowability of the patent claims, as one of ordinary skill would understand from a review of the prosecution history. That is, applicants specifically retract statements that one of ordinary skill would recognize from reading the file history were not necessary, not used and/or were rejected by the Examiner in allowing the patent application. Reconsideration and allowance of the application are respectfully requested.

AUTHORIZATION

The Director is hereby authorized to charge any fees which may be required for this
Amendment, or credit any overpayment, to Deposit Account No. 08-0219.

Respectfully submitted,

Date: Jun 9 19 2006



Victor F. Souto
Attorney for Applicants
Registration No. 33,458

Wilmer Cutler Pickering Hale and Dorr LLP
399 Park Avenue
New York, NY 10022
Tel. 212-230-8800
Fax. 212-230-8888
Customer No. 28089